

REMARKS/ARGUMENTS

Claims 1-4, 6, 7 and 10-19 are pending in the captioned application. Claims 14-19 are withdrawn. Applicants hereby cancel the withdrawn claims 14-19 and claims 3 and 4. Applicants respectfully request reconsideration and allowance of the claims.

The only issue remaining is whether claims 1-4, 6, 7 and 10-13 are obvious under 35 U.S.C. §103 (a) over Wahlstrom et al. in view of Malmqvist et al. and furthering view of Williams et al. Applicants respectfully submit that they are not.

In the previous response, Applicants argued that there are features that distinguish the presently claimed invention from Wahlstrom et al. The reference describes a competitive assay, which method requires that antibody is separated from pathogens (cells) prior to analysis. Applicants argued that this separation step is not required according to the claims of the invention. Applicants stated that, at high linear flow rates, cells or cell fragments do not readily migrate down to the sensor surface. Therefore, in Applicants' method, cells or cell fragments do not need to be separated from the cell sample fluid before subjecting the ligands to binding of the solid support surface.

The Examiner states that because the claims use the open-ended language (i.e., "comprising"), the separation step of Wahlstrom et al. is not excluded by the claims. Applicants respectfully disagree. To better clarify the claims, Applicants have amended the claims to state that the cell sample-containing fluid of step (v) is from step (iv). This means that cells or cell fragments are present in the cell sample-

containing fluid of step (v). For support, see paragraph 55 of the published US patent application, where separation of cells is described as optional for the analysis.

Although the claim language is open, Applicants submit that there is no ambiguity that a separation step is not included in the currently claimed invention.

Thus, Applicants submit that the claims are not obvious in view of the combination of Wahlstrom et al., Malmqvist et al. and Williams et al.

Applicants respectfully assert that the claims are in allowable form and earnestly solicit the allowance of claims 1, 2, 6, 7 and 10-13.

Early and favorable consideration is respectfully requested.

Respectfully submitted,

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